



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

JUN 12 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: Guterman et al.
Application No.: 10/809,572
Filed: 03/24/04
For: Novel Multi-State Memory

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,571.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Jameson Lee
Jameson Lee
Administrative Patent Judge

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Filed: June 12, 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ALLAN PARKER
Junior Party
(Patent 6,538,923 B1),

v.

MAILED

DANIEL C. GUTERMAN
and YUPIN KAWING FONG
Senior Party
(Application 10/809,572).

JUN 12 2007

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,571 (JL)
(Technology Center 2800)

1 **DECLARATION - Bd.R. 203(b)¹**

2

3 **Part A. Declaration of interference**

4 An interference is declared (35 U.S.C. 135(a)) between the above-identified parties.

5 Details of the application(s), patent (if any), reissue application (if any), count(s) and claims
6 designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of
7 this DECLARATION.

8 **Part B. Judge managing the interference**

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Administrative Patent Judge Jameson Lee has been designated to manage the
2 interference. Bd. R. 104(a).

3 Part C. Standing order

4 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION.

5 The STANDING ORDER applies to this interference.

6 Part D. Initial conference call

7 A telephone conference call to discuss the interference is set for 1:00 p.m. on 7 August
8 2007 (the Board will initiate the call).

9 No later than **four business days** prior to the conference call, each party shall file and
10 serve (SO & 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO & 104.2.1, 120
11 & 204) the party intends to file.

12 A sample schedule for taking action during the motion phase appears as Form 2 in the
13 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference
14 call and to agree on dates for taking action. A typical motion period lasts approximately eight (8)
15 months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

17 Junior Party

18 Named inventors: Allan Parker, Austin, TX

20 Involved Patent: 6,538,923, granted March 25, 2003, based on
21 application 09/794,482, filed February 26, 2001

23 Title: Staircase program verify for multi-level cell
24 Flash memory designs

25 Assignee: Advanced Micro Devices, Inc.

Senior Party

Named Inventors: Daniel C. Guterman, Fremont, CA
Yupin Kawing Fong, Fremont, CA

Involved Application: 10/809,572, filed March 24, 2004

Title: Novel Multi-State Memory

Assignee: none

10 The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned
11 exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO & 154.2.1. The senior party is responsible for
12 initiating settlement discussions. SO & 126.1.

Part F. Count and claims of the parties

Count 1

Guterman's 10/809,572 claim 42

or

Parker's 6,538,923 claim 1

The claims of the parties are:

Parker: 1 and 2

Guterman: 42 and 43

The claims of the parties which correspond to Count 1 are:

Parker: 1 and 2

Guterman: 42 and 43

1 The claims of the parties which do not correspond to Count 1, and therefore are not
2 involved in the interference, are:

3 Parker: None

4 Guterman: None

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6 The parties are accorded the following benefit for Count 1:

7 Parker: none

8 Guterman: 10/013,592, filed November 13, 2001, now
9 U.S. Patent 6,856,546, granted February 15, 2005

10 09/688,061, filed October 13, 2000, now
11 U.S. Patent 6,317,364, granted November 13, 2001

12 08/910,947, filed August 7, 1997, now
13 U.S. Patent 6,222,762, granted April 24, 2001

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1 **Part G. Heading to be used on papers**

2 The following heading must be used on all papers filed in this interference, see SO
3 & 106.1.1:

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8 AND INTERFERENCES
9
10

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11 Patent Interference No. 105,571 (JL)
12 (Technology Center 2800)
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Part H. Order form for requesting file copies

15 When requesting copies of files, use of SO Form 4 will greatly expedite processing of the
16 request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle
17 around the patents and applications for which a copy of a file wrapper is requested.

/Jameson Lee/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,538,923
Copy of claims of 10/809,572

Revised 3 January 2006

cc (via overnight delivery):

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